

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

REGINA TUCKER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23-CV-00217-DGK
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER RE: SHOW CAUSE

Now before the Court is Plaintiff's counsels' response to the Court's show cause order. ECF No. 69. On May 23, 2024, the Court ordered Mr. Kopp and Ms. Hale Robinson to show cause as to why they should not be sanctioned for misrepresenting Lewis Tucker, III deposition testimony during the May 14, 2024, evidentiary hearing. ECF No. 64.

Mr. Kopp and Ms. Hale Robinson state that "[w]ithout the deposition transcript or video, [they] relied on [their] collective memory and conversations with Plaintiff Regina Tucker regarding the deposition and the circumstances of Lonnell Tucker's ("Decedent") funeral arrangements" and that their "sincere recollection of the testimony was reflected in [their] description." Resp. at 1, 8.

Mr. Kopp and Ms. Hale Robinson express regret and maintain the misrepresentation was not intentional, but rather an oversight during a contentious evidentiary hearing. While this could be true, it does not address the degree to which counsel misrepresented the witness's testimony. This is concerning. Nevertheless, the Court accepts counsels' explanation and will not impose sanctions. Counsel, however, are reminded of their duty of candor to the Court, *see* Mo. R. Prof. Conduct 4-3.3(a)(1), and are encouraged to exercise caution when emphatically describing the substance of witness testimony to the court.

IT IS SO ORDERED.

Date: July 11, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT